

## Fair Political Practices Commission

### Memorandum

**To:** Chairman Getman, Commissioners Downey, Knox, and Swanson  
**From:** Mark Krausse, Executive Director  
**Subject:** Legislative Report  
**Date:** September 20, 2002

---

#### *Introduction*

#### **Important Deadlines**

September 30, 2002                      Last day for Governor to sign and veto bills.

---

#### *Informational Items — Bills Amending the PRA*

#### **Disclosure**

**AB 2642 Maddox      SoS Authority to Eliminate Local Filings                      8/7/2002**

Provides the Secretary of State authority to eliminate campaign reporting filings at the local level for state committees required to file electronically. **Vetoed by Governor September 19, 2002; veto message attached. Commission position: oppose unless amended.**

**SB 3              Perata              FPPC-Sponsored Ballot Measure Disclosure Bill                      8/15/2002**

Under existing law, ballot measure advertisements must disclose the top two sources of “cumulative contributions” of at least \$50,000. Under the current definition of “cumulative contributions,” all contributors to a committee paying for a ballot measure advertisement are considered, regardless of how long before the advertisement in question the contributions were made. This bill corrects this problem by placing a time limit of between 14 and 22 months, effectively. The bill does this by defining “cumulative contributions” to be those made since January 1 of the year prior to the year in which the measure appears on the ballot. **Died in Assembly Appropriations. Commission position: Sponsor.**

**SB 2095      Johnson              Independent Expenditure Disclosure                      8/7/2002**

This bill requires the Secretary of State to add to its website independent expenditures linked to the section of the Web site that the Secretary of State maintains concerning the candidate or ballot measure that is the subject of the independent expenditure. Commission requested amendments, which were taken on June 25, 2002. Amended to add legislative intent that filers be provided with a separate field in order to input the legislative district number and the number or letter of a statewide ballot measure. Passed Assembly Appropriations. **Signed by Governor September 12, 2002; Chapter 511, Statutes of 2002. Commission position: Support.**

Bill No.	Author	Title	Amend
----------	--------	-------	-------

**SEI/Ethics**

<b>AB 1791</b>	<b>Runner</b>	<b>Statements of Economic Interest</b>	<b>8/14/2002</b>
----------------	---------------	--	------------------

Requires that 87200 filers and designated employees file their statements of economic interest within 20 days of their first day of employment. Would require filing officer to notify consultants and employees whether or not they have a filing obligation. Prohibits the Commission from taking action against filing officer in lieu of taking action against an individual filer. **Died in Senate Appropriations. Commission position: Oppose.**

<b>AB 1797</b>	<b>Harman</b>	<b>Conflict of Interest; Disqualification</b>	<b>5/13/2002</b>
----------------	---------------	---	------------------

Requires office holders specified in Section 87200 who have identified a financial interest in a decision to: (a) publicly state the nature of the conflict, except the disclosure of an exact street address of a residence is not required; (b) recuse himself or herself; (c) leave the room until the matter is concluded, unless the matter is on the consent calendar. The bill has been amended to include an exception that would permit an officeholder with a conflict-of-interest to speak on the issue at the same time as the general public. **Signed by Governor August 24, 2002; Chapter 233, Statutes of 2002. Commission position: Oppose.**

<b>AB 3022</b>	<b>Committee</b>	<b>State Agencies: Ethics Orientation</b>	<b>3/7/2002</b>
----------------	------------------	---	-----------------

This bill would expand ethics training requirements to include all employees of a state agency who are required to file statements of economic interest. It would require attendance at the orientation course at least once every 2 years. **Signed by Governor September 17, 2002; Chapter 663, Statutes of 2002. Commission position: Support, if amended.**

<b>SB 584</b>	<b>Committee</b>	<b>FPPC-Sponsored SEI Loan Bill</b>	<b>4/2/2002</b>
---------------	------------------	-------------------------------------	-----------------

Eliminates the requirement that SEI filers disclose loans from commercial lending institutions made during the normal course of business. **Signed by Governor July 11, 2002; Chapter 172, Statutes of 2002.**

<b>SB 1620</b>	<b>Knight</b>	<b>Section 87200 SEI Filers</b>	<b>6/17/2002</b>
----------------	---------------	---------------------------------	------------------

Would require appointees to newly created state and local boards and commissions to provide full SEI disclosure. **Signed by Governor August 24, 2002; Chapter 264, Statutes of 2002.**

<b>SB 1781</b>	<b>Johnson</b>	<b>Increase of SEI Violation Penalties</b>	<b>2/21/2002</b>
----------------	----------------	--	------------------

This bill would increase the maximum penalty for failing to disclose an economic interest on the Statement of Economic Interests from \$5,000 to \$10,000. Additionally, for unreported economic interests exceeding a value of \$500,000, the Commission may add monetary penalties of the base amount, plus 1% of the unreported economic interest. **Died in Senate Elections.**

<b>SB 1782</b>	<b>Johnson</b>	<b>Consultant Required to File SEIs</b>	<b>2/21/2002</b>
----------------	----------------	---	------------------

Defines consultant as anyone who performs substantially the same duties as an individual holding a position that is listed in the agency's conflict-of-interest code, or who is retained to make decisions that involve the making, or participation in the making, of decisions that may foreseeably have a material effect on a financial interest. Agencies wishing to exempt consultants from filing SEIs must seek approval from the Commission, which shall maintain a list of all consultants so exempted. **Died in Senate Elections.**

Bill No.	Author	Title	Amend
----------	--------	-------	-------

**SEI/Ethics (Cont.)**

<b>SB 1783</b>	<b>Johnson</b>	<b>Reportable Economic Interest</b>	<b>2/21/2002</b>
----------------	----------------	-------------------------------------	------------------

For purposes of reporting economic interests, this bill expands the term jurisdiction to include the state of California for local SEI filers. **Died in Senate Elections.**

<b>SB 1850</b>	<b>Poochigian</b>	<b>SEIs Filed 10 days After Statement of Candidacy</b>	<b>4/10/2002</b>
----------------	-------------------	--	------------------

Currently candidates must file SEIs at the same time they file their declarations of candidacy. This bill would extend the deadline for candidates to file their SEIs to 10 days after the last day to file their declarations of candidacy. Passed Assembly Elections. **Vetoed by Governor August 15, 2002.**

**Conflicts**

<b>AB 2366</b>	<b>Dickerson</b>	<b>Financial Interests in Small Jurisdictions</b>	<b>8/8/2002</b>
----------------	------------------	---	-----------------

Provides that, in jurisdictions with populations of 10,000 or less, retail sales income from a customer representing up to 1% of revenues would not be considered a disqualifying financial interest if the customers of the business constitute a significant segment (10%) of the public generally. The exception would apply regardless of whether 1) the customer affected by a governmental decision is a primary source of income to the public official, or 2) the effect of the decision on the customer is significantly different from its effect on other retail customers. This bill has been amended to require that the exception apply only in jurisdictions located counties with 350 or fewer retail businesses. **Signed by Governor September 17, 2002; Chapter 654, Statutes of 2002. Commission position: Oppose.**

**Campaign**

<b>AB 2134</b>	<b>Longville</b>	<b>Public Financing of Campaigns</b>	<b>2/20/2002</b>
----------------	------------------	--------------------------------------	------------------

This proposed initiative, known as the Campaign Finance Reform Act of 2004, would repeal the ban on public moneys in elections. Creates a system of matching contributions to legislative candidates. Provides the Commission with funding and the administrative mandate to carry out provisions of the bill. If approved by the legislature, this proposed initiative directs the Secretary of State to place it on the ballot on the March 4, 2004 election. **Died in Assembly Appropriations.**

<b>SB 1741</b>	<b>Johnson</b>	<b>Loan Identification on LCRs</b>	<b>2/21/2002</b>
----------------	----------------	------------------------------------	------------------

Requires late contribution reports to indicate whether the contribution was a loan. **Signed by Governor August 13, 2002; Chapter 211, Statutes of 2002.**

<b>SB 1742</b>	<b>Johnson</b>	<b>Return of Contributions to Candidate</b>	<b>2/21/2002</b>
----------------	----------------	---	------------------

Prohibits a candidate from returning to himself or herself contributions made by the candidate to his or her own campaign or controlled committee. **Signed by Governor August 13, 2002; Chapter 212, Statutes of 2002.**

Bill No.	Author	Title	Amend
----------	--------	-------	-------

**Miscellaneous**

<b>AB 13</b>	<b>Florez and Matthews</b>	<b>PRA Amendment</b>	<b>8/21/2002</b>
--------------	----------------------------	----------------------	------------------

The August 6<sup>th</sup> amendments to this bill delete all previous content, which would have expanded the definition of lobbyist to include individuals engaged in the sale of goods and services to the state by redefining “administrative action” to include sales activity. The bill now creates the term “nonrestrictive contract for goods or services” and expands the Political Reform Act’s lobbyist reporting requirements and restrictions to include interests in or attempts to influence decisions on nonrestrictive contracts for goods or services. **Died in Senate Elections. Commission position: Support.**

<b>AB 1500</b>	<b>Hertzberg</b>	<b>Statewide Initiatives; Procedures</b>	<b>8/26/2002</b>
----------------	------------------	--	------------------

Requires that initiative proponents provide: (1) all names of contributors of more than \$100 for the previous 12 months to the Secretary of State within 30 days of requesting a title and summary; (2) the names of the top 5 contributors and amounts contributed to those reviewing/signing the initiative petition. The information shall be made available on the Secretary of State website and the initiative proponent’s website. Requires mass mailings sent by an initiative proponent committee to include the information required by this bill. This bill contains some of the recommendations of the Speaker’s Commission on the California Initiative Process. **Died on Senate floor.**

<b>SB 300</b>	<b>McPherson</b>	<b>Bipartisan Commission recommendations</b>	<b>5/29/2002</b>
---------------	------------------	--	------------------

Deletes the requirement that elected officials who do not maintain committees file semi-annual campaign statements, provided they have made no expenditures and have collected no contributions. This bill would prohibit the solicitation of campaign contributions using state office space, facilities, telephone, computer or other equipment or during face to face meetings in state offices. **Died in Assembly Elections.**

<b>AB 2082</b>	<b>Longville</b>	<b>Public Inspection of Campaign statements</b>	<b>6/17/2002</b>
----------------	------------------	---	------------------

This bill would allow any elector of a county or municipality to seek a writ of mandate requiring that a ballot summary or title be amended. **Signed by Governor August 24, 2002; Chapter 237, Statutes of 2002.**

<b>SB 1806</b>	<b>Knight</b>	<b>Contributions to Governor During Bill Signing Period</b>	<b>2/22/2002</b>
----------------	---------------	---	------------------

Would prohibit a person or a small contributor committee from making contributions to the governor during the period extending 30 days before, and ending the day after, the last day a governor may sign bills into law following adjournment of the legislature. **Failed in Senate Elections May 1, 2002.**

<b>SB 1975</b>	<b>Johnson</b>	<b>Primary Election</b>	<b>6/19/2002</b>
----------------	----------------	-------------------------	------------------

Would move the date of the statewide direct primary election to June. Commission staff is working to address issues concerning filing deadlines. **Enrolled to Governor September 9, 2002.**

## LEGISLATIVE REPORT

<b>Bill No.</b>	<b>Author</b>	<b>Title</b>	<b>Amend</b>
-----------------	---------------	--------------	--------------

***Informational Items – Other bills of interest***

<b>SB 879</b>	<b>Brulte</b>	<b>Internet Commission</b>
---------------	---------------	----------------------------

**8/12/2002**

This bill would extend the deadline for submittal of the Commission's final report to December 31, 2003. The bill has been amended to eliminate re-appropriation of the funds allocated to the commission. **Signed by Governor September 12, 2002. Chapter 499, Statutes of 2002. Commission position: Support.**